

Message Text

UNCLASSIFIED

PAGE 01 BRASIL 06471 041416Z
ACTION ARA-14

INFO OCT-01 ISO-00 L-03 SCSE-00 /018 W
-----083308 041456Z /44
P 041125Z AUG 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 3106

UNCLAS BRASILIA 6471

E.O. 11652: N/A
TAGS: AFSP ACLM
SUBJECT: CLAIMS OF L.A. BAILEY

REF: STATE 177089

1. THE LAW FIRM OF SARDENBURG, BULCAO-CHAZAN AND BEKIN ONLY RETAIN A LAWYER TO REPRESENT THEM IN BRASILIA. EMBASSY THEREFORE CONTACTED THE BRASILIA LAW FIRM AMARAL AND PIEPER, WHO IS KNOWN TO THE EMBASSY.

2. ROLF G. PIEPER OF THIS LAW FIRM CLAIMS IF BAILEY CASE WERE LITIGATED IN BRAZIL IT WOULD BE TREATED VERY SIMILAR TO SUCH A CASE LITIGATED IN UNITED STATES.

3. MR. PIEPER BRIEFLY REVIEWED THE DEPARTMENT'S LEGAL OPINION DATED APRIL 22, 1976, AND AFTER LENGTHY DISCUSSION WITH ACTING ADMINISTRATIVE OFFICER, AGREED WITH DEPARTMENT'S OPINION. MR. PIEPER FELT THAT IF CASE WAS LITIGATED IN BRAZIL, US JUSTICE DEPARTMENT WOULD PERMIT EMBASSY TO INVOKE DIPLOMATIC IMMUNITY AT THE ON SET OF ANY SUCH TRIAL.

4. EMBASSY DISCUSSED WITH MR. PIEPER THE POSSIBILITY OF OFFERING THE BAILEY'S A SETTLEMENT. MR. PIEPER SUGGESTED THAT THE EMBASSY HAVE THE BAILEY'S CALL AT HIS OFFICE, AT WHICH TIME HE WOULD EXPLAIN THE DIFFICULTIES ONE WOULD ENCOUNTER LITIGATING A CASE AGAINST A FOREIGN GOVERNMENT IN BRAZIL. THEN HE FELT IT WOULD BE UNCLASSIFIED

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PAGE 02 BRASIL 06471 041416Z

APPROPRIATE TO HAVE THE EMBASSY TALK TO THE BAILEY'S AND ENDEAVOR A SETTLEMENT OF APPROXIMATELY TWO THOUSAND DOLLARS AND NOT MORE THAN THREE THOUDAND. MR. PIEPER WARNED THE BAILEY'S MIGHT REFUSE THIS SETTLEMENT OFFER AND INTERPRETER IT TO MEAN THE EMBASSY IS ADMITTING FAULT.

5. EMBASSY WOULD APPRECIATE DEPARTMENT'S ADVISE WHETHER TO

"WAIT AND SEE" OR ATTEMPT A RECONCILIATION WITH BAILEYS.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 177089
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 13-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1713232
Secure: OPEN
Status: NATIVE
Subject: CLAIMS OF L.A. BAILEY
TAGS: AFSP, ACLM
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/f3b1fc61-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009